

AMENDMENT TO THE DRAWINGS

Please replace the drawings with the attached drawing sheets. In the present amendments, FIG. 5 as originally filed has been divided into FIGS. 5A and 5B, which include the subject matter of original FIG. 5 and features of the originally-filed specification (see, for example, the paragraph bridging pages 59 and 60 of the substitute specification). Since an additional drawing sheet is included in the set of drawings to bring the total number of sheets to 35, a copy of each sheet of the drawings is provided without the sheet numbering (e.g. 1/34, 2/34, 3/34, etc.) thereon.

FIGS. 3, 5A, 5B, and 6 are replacement sheets including changes to the drawings. Please note that FIG. 3 is amended to replace reference character “37” leading to the “tuner system” with the reference character “34”. Since two distinct components, the “SAM client” and the “tuner system”, were both referenced by the same reference character, the drawing change to FIG. 3 herein corrects this improper duplication of reference characters. FIGS. 5 and 6 are amended herein in response to the drawing objection in the Office Action. The changes to FIGS. 5 and 6 show the subject matter of the claims, as amended, and do not contain new matter. The remaining drawings are included with the replacement drawings and represent the corresponding drawings as originally filed or as amended in previous responses.

REMARKS

In the foregoing amendments, the specification has been amended to correct minor typographical and grammatical errors, to change the title to be consistent with the claims, and to properly reference renumbered and newly added figures. Claims 38-50, 56-60, and 70-73 have been canceled without prejudice or disclaimer. New claims 74-95 have been added. Also, the drawings have been amended to correct improper duplication of reference characters and to clearly show the features of the pending claims. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Priority

The Office Action seems to indicate that the provisional application, upon which the present application claims the benefit of an earlier filing date, allegedly fails to provide adequate support or enablement for one or more claims of the present application. Applicants are not addressing the validity of the statements or assertions made in the Office Action regarding priority. Therefore, Applicants should be not presumed to agree with any statements or assertions made in the Office Action in this respect.

II. Response to Arguments

The Office Action seems to suggest that *Goode et al.* enables a user to establish multiple active/open rentals, to which the system allocates bandwidth, tears down a session that is no longer active to allow use of the bandwidth for other resources, and optionally restarts rentals by reestablishing a new active session. Applicants disagree with this interpretation of *Goode et al.* Although *Goode et al.* appears to tear down a session, *Goode et al.* does not disclose, ***responsive to determining that the at least one current rental still exists and the previously established VOD session for the first VOD presentation is no longer active, establishing another active VOD session for the first VOD presentation and providing the VOD current rental screen.*** If the Examiner continues to hold to this interpretation of *Goode et al.*, Applicants respectfully request that the Examiner provide a specific reference to the teachings in *Goode et al.* supporting this view.

III. Drawings

The Office Action objected to the drawings as not showing every feature of the claims. In response thereto, Applicants have amended the drawings according to the Examiner's suggestion. It is believed that the drawings adequately show the features of the claims.

IV. Claim Rejections under 35 U.S.C. §103

Claims 38-41, 56, 57, and 70-73 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Goode et al.* (U.S. Patent No. 6,166,730) in view of *Dunn et al.* (U.S. Patent No. 5,721,829), and further in view of *Swix et al.* (U.S. Patent No. 6,609,253). Applicants respectfully traverse this rejection on the grounds that the cited references, taken alone or in combination, fail to teach or suggest each and every feature of the claims. Furthermore, these claims are canceled herein and the rejection is considered moot. Applicants assert that the new claims are allowable over the cited references, as discussed below.

A. Claims 74-88

Independent claim 74 is reproduced below:

74. (New) A method comprising:

determining if at least one current rental exists;

responsive to determining that at least one current rental does exist, determining whether a previously established video-on-demand (VOD) session for a first VOD presentation is still active;

responsive to determining that the previously established VOD session for the first VOD presentation is still active, providing a VOD current rental screen that includes a selectable option to view the first VOD presentation, the VOD current rental screen having a VOD title of the first VOD presentation, information on the length of time remaining on the VOD title, and information on the rental time duration remaining for viewing the VOD title;

responsive to determining that the at least one current rental still exists and the previously established VOD session for the first VOD presentation is no longer active, establishing another active VOD session for the first VOD presentation and providing the VOD current rental screen; and

responsive to determining that at least one current rental does not exist, providing a list of selectable VOD titles.

(Emphasis added)

Goode et al. fails to teach or suggest at least the above-highlighted features of claim 74. Claim 74 recites ***responsive to determining that the at least one current rental still exists and the previously established VOD session for the first VOD presentation is no longer active, establishing another active VOD session for the first VOD presentation and providing the VOD current rental screen.*** *Goode et al.* fails to teach or suggest establishing another active VOD session ***responsive to determining ... the previously established VOD session for the first VOD presentation is no longer active.*** Even assuming for the sake of argument that *Goode et al.* establishes another session in response to determining that a first presentation was reactivated, *Goode et al.* further fails to establish another active VOD session ***for the first VOD presentation.*** The Office Action seems to suggest that *Goode et al.* establishes another session, but seems to suggest that it is for a different presentation. -

Swix et al. and *Dunn et al.* fail to overcome the above-noted deficiencies of *Goode et al.* For at least the reason that the cited references, taken alone or in combination, fail to teach or suggest every claim feature of claim 74, Applicants assert that this claim is allowable over the cited references. In addition, claims 75-88 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 74.

B. Claims 89-95

Independent claim 89 is reproduced below:

89. (New) A digital home communication terminal (DHCT) comprising:

'memory; and

program code stored in said memory and configured to enable the DHCT to:

determine if at least one current rental exists,

responsive to determining that at least one current rental does exist, determine whether a previously established video-on-demand (VOD) session for a first VOD presentation is still active,

responsive to determining that the previously established VOD session exists for the first VOD presentation is still active, providing a VOD current rental screen that includes a selectable option to view the first VOD presentation, the VOD current rental screen having a VOD title of the first VOD presentation, information on the length of time remaining on the VOD title, and information on the rental time duration remaining for viewing the VOD title,

responsive to determining that the at least one current rental still exists and the previously established VOD session for the first VOD presentation is no longer active, establish another active VOD session for the first VOD presentation and providing the VOD current rental screen, and

responsive to determining that at least one current rental does not exist, provide a list of selectable VOD titles.

(Emphasis added)

Claim 89 is directed to a DHCT having program code configured to enable the DHCT to, ***responsive to determining that the at least one current rental still exists and the previously established VOD session for the first VOD presentation is no longer active, establish another active VOD session for the first VOD presentation and providing the VOD current rental screen.*** *Goode et al.* fails to teach or suggest establishing another active VOD session ***responsive to determining that ... the previously established VOD session for the first VOD presentation is no longer active.*** Even assuming, for the sake of argument, that *Goode et al.* establishes another session in response to determining that a first presentation was reactivated, *Goode et al.* further fails to establish another active VOD session ***for the first VOD presentation.***

Swix et al. and *Dunn et al.* fail to overcome the above-noted deficiencies of *Goode et al.* For at least the reason that the cited references, alone or in combination, fail to teach or suggest every claim feature of claim 89, Applicants assert that this claim is allowable over the cited references. In addition, claims 90-95 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 89.

V. Claim Rejections under 35 U.S.C. §102

Claims 42-50 and 58-59 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Goode et al.* in view of *Dunn et al.* and *Swix et al.*, and in further view of *Casement et al.* (U.S. Patent No. 5,969,748). Applicants assert that the 35 U.S.C. §102 rejection is improper for at least the reason that “[a]nticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference.” (Emphasis added) *See e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990).

Assuming, for the sake of argument, that the rejection was intended to be a rejection under 35 U.S.C. §103, Applicants still believe that the cited references, taken alone or in combination, fail to teach or suggest each and every feature of the claims. Also, the claims at issue have been canceled herein, thereby rendering the rejection moot.

However, with respect to the newly added claims and in light of the arguments above regarding independent claims 74 and 89, Applicants assert that the claims are allowable over *Goode et al.* in view of *Dunn et al.* and *Swix et al.* Furthermore, Applicants assert that *Casement et al.* fails to overcome the above-noted deficiencies of the other references. Because the cited references fail to teach or suggest the highlighted features of the independent claims, Applicants believe that the claims are allowable. Also, the respective dependent claims are believed to be allowable for at least the reason that they depend from allowable independent claims 74 and 89.

CONCLUSION

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

Applicants respectfully maintain that currently pending claims are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, she is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

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